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NASA Procedural Requirements

COMPLIANCE IS MANDATORY**NPR 2190.1**Effective Date: April 10, 2003
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2008[Printable Format \(PDF\)](#)

Subject: NASA Export Control Program**Responsible Office: Office of External Relations**

[| TOC | Preface | Chp1 | Chp2 | Chp3 | Chp4 | Chp5 | Chp6 | Chp7 | Chp8 | AppdxA | AppdxB |](#)
[ALL |](#)

CHAPTER 8. QUESTIONS OF COMPLIANCE AND VIOLATIONS

8.1 GENERAL

NASA must be a responsible exporter. Noncompliance with U.S. export control laws and regulations and NASA's Export Control Program could result in schedule and cost overruns, criminal, civil, or administrative penalties against both Government officials and private contractors, and harm to the national security or foreign policy of the United States. It is every employee's responsibility to be aware of the export control laws and regulations, and whenever in doubt to seek assistance when effecting transfers to foreign parties.

8.2 VOLUNTARY DISCLOSURE

8.2.1 Both the Export Administration Regulations and the International Traffic in Arms Regulations require voluntary self-disclosure if an exporter finds errors or non-compliance in export activities, even if errors were inadvertent. The voluntary disclosure of all the facts and circumstances will serve as a mitigating factor in determining what administrative sanctions or penalties will be sought. For voluntary disclosures to be considered a mitigating factor, they must be received by the Office of Defense Trade Controls (for ITAR violations), or the Office of Export Enforcement (for EAR violations), prior to the U.S. Government receiving similar information from another source and commencing an investigation or inquiry that involves that information. Refer to 22 CFR § 127.12 and 15 CFR § 764.5 for specific guidance on voluntary disclosure processes at DTC and BIS.

8.2.2 Any NASA employee or NASA contractor concerned about questions of export compliance or impropriety in the area of export control should report those concerns to the CEA or CEC at the Center, or to the HEA or HEC at NASA Headquarters, in a timely manner. The appropriate CEA and HEA will immediately gather all the pertinent information, make an initial determination as to whether the subject activity should be suspended, review the facts, and determine if a voluntary disclosure is warranted. All NASA Voluntary Disclosures will be submitted to the appropriate U.S. Government regulatory and enforcement agencies through the HEA at NASA Headquarter's Office of External Relations.

8.2.3 Errors in effecting exports or making transfers should not be concealed for any reason. It is more effective to uncover errors or mistakes, investigate, and understand the causes, and then make process changes to preclude future reoccurrence.

8.3 VIOLATIONS

8.3.1 22 CFR § 120.27 of the ITAR lists U.S. criminal statutes that address violations of the ITAR. 15 CFR § 764.3 of the EAR provides information on civil and criminal penalties for violations of the EAR. All suspected criminal violations in the NASA Export Control Program are to be reported immediately to the HEA, who will consult with the Office of the Inspector General and appropriate regulatory and enforcement agencies.

| [TOC](#) | [Preface](#) | [Chp1](#) | [Chp2](#) | [Chp3](#) | [Chp4](#) | [Chp5](#) | [Chp6](#) | [Chp7](#) | [Chp8](#) | [AppdxA](#) |
[AppdxB](#) | [ALL](#) |

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